

AN ORDINANCE

03-0 -1101 O-03-

BY: ZONING COMMITTEE

Z-03-

AN ORDINANCE TO AMEND SECTION 16-20.006(e)(2) & (3) TO EXTEND THE TIME TO NOTIFY OFFICIALS AND AGENCIES AND THE OFFICE OF THE CLERK OF SUPERIOR COURT OF A HISTORIC OR LANDMARK DESIGNATION; AND FOR OTHER PURPOSES

WHEREAS, Section 16-20.006(e)(2) of the City of Atlanta Land Development Code presently provides that the director of the Urban Design Commission shall send notice of a historic or landmark designation to various officials and agencies within ten (10) days of designation;

WHEREAS, Section 16-20.006(e)(3) of the City of Atlanta Land Development Code presently provides that the director of the Urban Design Commission shall send notice of a historic or landmark designation to the office of the clerk of superior court within then (10) days of designation;

WHEREAS, the present time period does not allow sufficient time to send notice to the various officials and agencies as well as the office of the clerk of superior court when an entire district is designated as historic or landmark;

WHEREAS, Section 16-20.006(e)(1) was recently amended to change the time for notification of the property owner from ten (10) days to twenty (20) days;

WHEREAS, twenty (20) days would allow sufficient time for such notification and would still allow for timely notification of the various officials and agencies as well as the office of the clerk of superior court;

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA AS FOLLOWS:

**Section 1.** That Section 16-20.006(e)(2) & (3) OF THE city of Atlanta Zoning Code are amended by striking the provision for ten (10) days notification and inserting in lieu thereof twenty (20) days so that said sections shall now read as follows:

(e) Post-Adoption Actions:

- (2) Within twenty days after any designation ordinance becomes law, the director of the commission shall send notice of such action to the following officials and agencies:

- a. Commissioner of the department of community development
- b. Director, bureau of planning
- c. Director, bureau of buildings
- d. Commissioner of the department of public works;
- e. Commissioner of the department of parks, recreation and cultural affairs;
- f. Police Chief
- g. Fire Chief
- h. State historic preservation officer.

(3) Within twenty (20) days of any designation ordinance becomes law, except designations of Conservation Districts, the director of the commission shall file in the office of the clerk of the Superior Court of Fulton County or in the office of the clerk of the Superior Court of DeKalb County, as is appropriate to said property, a certificate of notification that such property has such designation, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the city council and mayor.

**Section 2.** That all ordinance or parts of ordinances in conflict with this ordinance shall be repealed.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon, Mayor's Office  
(for review & distribution to Executive Management)

Commissioner Signature <u>[Signature]</u>	Director Signature <u>[Signature]</u>
From: Originating Dept. <u>DPCD/Urban Design</u>	Contact (Name) <u>Karen Huebner X6200</u>
Committee of Purview <u>Zoning Committee</u>	Committee Deadline <u>7/3/03</u>
Committee Meeting Date <u>7/16 &amp; 30, 2003</u>	City Council Meeting Date <u>7/21 &amp; 8/18, 2003</u>

CAPTION:

**AN ORDINANCE**

**BY ZONING COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 16-20.006(e)(2) & (3) TO EXTEND THE TIME TO NOTIFY OFFICIALS AND AGENCIES AND THE OFFICE OF THE CLERK OF SUPERIOR COURT OF A HISTORIC OR LANDMARK DESIGNATION; AND FOR OTHER PURPOSES.**

BACKGROUND/PURPOSE/DISCUSSION:

FINANCIAL IMPACT (if any):

OTHER DEPARTMENT(S) IMPACTED: \_\_\_\_\_

COORDINATED REVIEW WITH: \_\_\_\_\_

Mayor's Staff Only

Received by Mayor's Office:

7.1.03

(date)

Reviewed: [Signature]

(initials)

Submitted to Council: [Signature]

(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other

CITY COUNCIL  
ATLANTA, GEORGIA

02-0-1986

A SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-02-76  
DATE FILED: 3-13-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **2142 James Jackson Parkway, N.W.** be changed from the **I-1 (Light Industrial) & I-2 (Heavy Industrial)** Districts, to the **PD-H (Planned Development-Housing)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots **255, 256, 263 & 264** of the **17<sup>th</sup>** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

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### **Conditions for Z-02-76**

1. Site plan entitled "Chattahoochee Village" prepared by Eberly and Associates, dated February 25, 2003, and marked received by the Bureau of Planning March 13, 2003.
2. The attached list of additional conditions marked Exhibit A and consisting of three (3) pages shall also be considered conditions governing the development of this property.



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Exhibit A

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2. Natural undisturbed buffers:

- a) On the western boundary of the developed portion of the property between Parrot Avenue and the railroad track adjacent to the Whittier Mill Neighborhood, there shall be a 40 ft. natural undisturbed buffer and a 30 ft. rear yard (or side yard as applicable) for each single family lot. Porches and entries, enclosed or unenclosed, may be provided in said rear yards, provided that such structures shall not extend more than 12 feet into such yards. Between Fabin Street and Parrot Avenue, the buffer shall be as shown on the Site Plan.
- b) On the southern boundary of the property fronting on Parrot Avenue, there shall be a 40 foot natural undisturbed buffer and a 30 foot rear yard (or side yard as applicable) for each single family lot. Porches and entries, enclosed or unenclosed, may be provided in said rear yards, provided that such structures shall not extend more than 12 feet into such yards. A six foot high wood privacy fence shall be constructed at the boundary between the rear yards and the buffer. The fence shall be painted dark green and shall have brick piers on 50 foot centers.
- c) During construction, the natural undisturbed buffers described above will be protected by installation of tree protection fences and silt fences at the interior boundary of the buffers. Storm water runoff shall be channeled to a drainage area onsite between the rear yards and the buffers.
- d) The covenants for the homeowners' association to be created for the development will provide that the association will maintain the natural undisturbed buffers described above.
- e) For the portion of the natural undisturbed buffer running from the southwest corner of the property to the new entrance onto Parrot Avenue, the buffer shall be planted with 2 inch caliper shade trees and evergreen shrubs alternating 15 feet on center.
- f) For the portion of the natural undisturbed buffer running along Parrot Avenue from the new entrance onto Parrot Avenue to the southeast corner of the property, the buffer shall be planted with 2 inch caliper shade trees and evergreen shrubs alternating 15 feet on center where such plantings are not already present.

3. The single family lots along the western boundary of the property from Parrot Avenue to the railroad track and along the southern boundary of the property fronting on Parrot Avenue shall have an area of not less than 7,500 sq. ft. and an interior street frontage of not less than 50 ft. at the building line.
4. The streets interior to the property will be private streets.
5. The historic gravel path connecting Parrot Avenue to Whittier Mill Village will be preserved and maintained by the homeowners association in cooperation with Whittier Mill Village. Easements for use of the path shall be granted to adjacent neighbors and recorded. Easements shall be granted to the following property owners:

Gerry Dokka	2881 Parrot Ave.
Yean Lee	2891 Parrot Ave.
Brent Verrill	2887 Parrot Ave.
Julie Miller	2875 Parrot Ave.
Raymond Griffin and Elizabeth Guevara	2869 Parrot Ave.
6. All single family homes and patio homes will be detached dwellings containing one dwelling unit.
7. Five (5) days prior to any application or petition for administrative approval or modification of the site plan, the property owner shall provide copies of the application or petition to the Chair of NPU-D, the President of the Whittier Mill Neighborhood Association, and the district councilmember.
8. If entry signs are installed at the entrances to the development from Parrot Avenue or James Jackson Parkway, the sign area shall not exceed 35 square feet.
9. The development shall consist of no more than 399 residential units. There shall be a minimum of 68 single family homes. There shall be a maximum of 85 apartment/condominium units and a maximum of 190 townhomes.
10. All apartment/condominium units shall be located north of a line 325 feet north of and parallel to the south land lot line of Land Lot 255 of the 17th District, Fulton County, Georgia.
11. Developer shall submit to the Georgia Department of Transportation a request for installation of a traffic signal on James Jackson Parkway at the entrance to the development. Developer also shall request that this curb cut at James Jackson Parkway be approved with right and left turn lanes exiting the property.
12. During the site development phase, any and all exits from the property onto Parrot Avenue shall be posted "Left Turn Only." Once site development work is completed and residential construction has begun, all construction vehicles and

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Exhibit A  
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equipment shall enter and exit the property from James Jackson Parkway and shall not enter or exit the property from Parrot Avenue.

13. Stop signs shall be installed at the two interior intersections closest to Parrot Avenue.
14. In the event of a conflict between any written condition herein and any matter set forth on the site plan, the written condition shall control.
15. If any condition or portion of a condition herein is deemed invalid or unenforceable, such decision or ruling shall not affect any other condition set forth herein.
16. The written conditions set forth herein and incorporated into the zoning ordinance also shall be recorded on any Site Plan submitted for legislative or administrative approval and on any Site Plan recorded in the deed records of Fulton County, Georgia.
17. The residences located on the north side of the first street running west of the entrance from Parrot Avenue shall be sited at a grade equal to or lower than the existing grade (exclusive of the grade of the existing roadway).
18. The residences located south of a line running 250 feet north of and parallel to Parrot Avenue shall not exceed 35 feet in height.
19. The residences located west of a line running 250 feet east of and parallel to the western boundary of the property shall not exceed 35 feet in height.
20. At the time the condo/apartment building is completed, a minimum of one-third of the units will be offered for sale as condominiums.

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Exhibit A

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### LEGAL DESCRIPTION

All that tract or parcel of land lying in or being part of Land Lots 255 & 256 of the 17th District, City of Atlanta, of Fulton County, Georgia, which is more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at the Northwestern right-of-way intersection of James Jackson Parkway (200' R/W) and Bolton Road (85' R/W), THENCE along the said right-of-way of Bolton Road, along a curve to the left having a radius of 540.72 feet and an arc length of 148.38 feet, being subtended by a chord of South 82 degrees 06 minutes 06 seconds West for a distance of 147.91 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING.

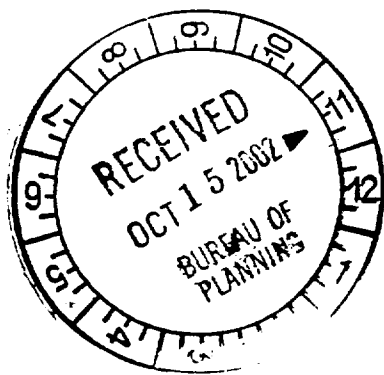
From the TRUE POINT OF BEGINNING as thus established proceed along said right-of-way along a curve to the left having a radius of 540.72 feet and an arc length of 238.53 feet, being subtended by a chord of South 61 degrees 36 minutes 09 seconds West for a distance of 236.60 feet to an iron pin set lying on the Northerly right-of-way of Parrot Ave. (50' R/W); THENCE along said right-of-way South 72 degrees 40 minutes 53 seconds West for a distance of 980.63 feet to a nail found; THENCE leaving said right-of-way, North 12 degrees 34 minutes 29 seconds West for a distance of 1425.46 feet to an iron pin set; THENCE North 76 degrees 58 minutes 58 seconds East for a distance of 5.11 feet to an iron pin set; THENCE South 23 degrees 17 minutes 06 seconds East for a distance of 18.00 feet to an iron pin set; THENCE along a curve to the left having a radius of 815.36 feet and an arc length of 547.91 feet, being subtended by a chord of North 47 degrees 27 minutes 50 seconds East for a distance of 537.66 feet to a point; THENCE North 29 degrees 04 minutes 10 seconds East for a distance of 371.36 feet to an iron pin set; THENCE North 61 degrees 10 minutes 20 seconds West for a distance of 35.16 feet to a 1/2" rebar found; THENCE North 27 degrees 23 minutes 53 seconds East for a distance of 202.54 feet to a 1/2" rebar with cap found; THENCE South 88 degrees 42 minutes 38 seconds East for a distance of 417.80 feet to an iron pin set lying on the Westerly right-of-way of said James Jackson Pkwy.; THENCE South 42 degrees 25 minutes 19 seconds East for a distance of 164.30 feet to a point; THENCE along a curve to the right having a radius of 1332.39 feet and an arc length of 416.11 feet, being subtended by a chord of South 34 degrees 03 minutes 47 seconds East for a distance of 414.43 feet to an iron pin set; THENCE leaving said right-of-way, South 72 degrees 35 minutes 03 seconds West for a distance of 499.55 feet to an iron pin set; THENCE South 17 degrees 24 minutes 57 seconds East for a distance of 374.30 feet to an iron pin set; THENCE North 72 degrees 35 minutes 03 seconds East for a distance of 497.10 feet to a 1/2" rebar found lying on said right-of-way of James Jackson Pkwy.; THENCE along a curve to the right having a radius of 1332.39 feet and an arc length of 107.89 feet, being subtended by a chord of South 06 degrees 38 minutes 49 seconds East for a distance of 107.86 feet to a point; THENCE South 04 degrees 19 minutes 38 seconds East for a distance of 721.53 feet to an iron pin set; THENCE leaving said right-of-way, South 85 degrees 54 minutes 38 seconds West for a distance of 149.66 feet to a 3/4" pipe found; THENCE South 04 degrees 44 minutes 58 seconds East for a distance of 187.77 feet to an iron pin set lying on said right-of-way of Bolton Road, said iron pin being the TRUE POINT OF BEGINNING.

## LEGAL DESCRIPTION

All that tract or parcel of land lying in or being part of Land Lots 255, 256, 263 & 264 of the 17th District, City of Atlanta, of Fulton County, Georgia, which is more particularly described as follows:

Point of Beginning: A concrete monument at the west side of sta. 36+82 of the Southern Railway Industrial Lead Track;

From the point of beginning along said lead track for a distance of 467.51' to a concrete monument. THENCE Northwest 20' to a concrete monument; THENCE Southwest along a radius for a distance of 1053.5' to a concrete monument; THENCE along a line North for 25' to a concrete monument; THENCE Southwest along a radius for a distance of 1524.5' to a concrete monument; THENCE Northeast along the Southern Railway Main Tracks for a distance of 862.2' to a concrete monument; THENCE following the banks of the Chattahoochee River for a distance of 2360' to a concrete monument; THENCE East 392<sup>±</sup> to a concrete monument, said concrete monument being the point of beginning.



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## TABLED LEGISLATION

**I.D.#** 02-D-1986

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